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DEC 21 2006

Pending claims 8-13 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection, as amended claim 8 has been amended to recite a machine-readable storage medium that includes instructions that when executed cause a processor-based system to perform certain actions. Accordingly, as suggested in the Office Action amended claim 8 recites a computer program that is stored on a tangible medium that is operable when executed by a computer system. Accordingly, claim 8 and the claims depending therefrom recite statutory subject matter.

The rejection of pending claims 1-2, 6, 8-13 under 35 U.S.C. §112, second paragraph is respectfully overcome, in light of various amendments to claims 1 and 8 and various pending dependent claims in regard to this rejection.

Pending claims 1, 8, 10-12 and 15-18 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,339,795 (Narurkar) in view of U.S. Patent No. 6,356,956 (Deo). Applicant respectfully traverses the rejection. As to claim 1 neither of the cited references anywhere teach or suggest operation of a method in which the time sensitive data is automatically transferred from a first processor-based system to a second processor-based system, where the second system is located in a housing of the first system. For this reason alone, the rejection is overcome.

Nor is there any motivation to combine Narurkar with Deo. In this regard, while the Office Action contends that Narurkar teaches "automatically transferring time sensitive data," Applicant respectfully disagrees, as nothing in Narurkar is in any way directed to the transfer of time sensitive data. In this regard, the Board of Patent Appeals agrees with Applicant. Decision on Appeal, mailed August 30, 2006, p. 4. Accordingly, the combination of Narurkar and Deo is nothing but an improper hindsight-based reconstruction and for this further reason the rejection is improper. In order to prevent a hindsight-based obviousness analysis, the Federal Circuit requires that "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316-17 (Fed Cir. 2000). No such showing is present here.

For at least similar reasons, the rejection of claim 8 and the claims depending therefrom is also overcome.

As to dependent claim 2, the rejection of this claim under §103(a) over Narurkar in view of Deo and in further view of U.S. Patent No. 6,496,949 (Kanevsky) is further overcome. There is simply no motivation to combine this additional reference with Narurkar or Deo. In this regard, Kanevsky is directed to an emergency server backup system. There is no motivation to combine these three disparate references, one directed to transferring information files of disparate configuration; one directed to transfer of portable data objects; and one directed to an emergency backup system to perform the recited subject matter, namely to cause time sensitive data to be transferred to a second system when it is determined that a first system is being powered off. For this further reason, dependent claims 2 and 9 are further patentable.

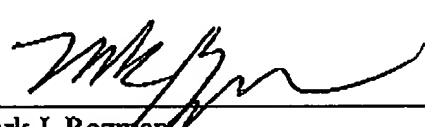
Independent claim 15 also stands rejected under 35 U.S.C. §103(a) over Narurkar in view of Deo. This rejection is improper as neither reference anywhere teaches or suggests automatic transfer of time sensitive data from a first system to a second device that is to occur in response to an indication that the first system is to be powered off. Accordingly, claim 15 and the claims depending therefrom are patentable over the proposed combination. Claim 17 and the claims depending therefrom are further patentable, as neither of the cited references anywhere teach or suggest that the first system be a portable computer that includes the second device. In this regard, all that the Office Action points to is Narurkar, and more specifically that in Narurkar, a personal computer can be coupled to various devices such as a pocket organizer and a PDA. Nowhere, however, does Narurkar anywhere teach or suggest that a portable computer include another device. Accordingly, for this further reason claim 17 and the claims depending therefrom are patentable over the proposed combination.

New dependent claims 21-26 are patentable for at least the same reason as the claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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